

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

---

SAMUEL RIEDER,

Plaintiff,

Civil Action No.

1:14-cv-01836-WFK-RER

v.

FINGERHUT and EQUIFAX  
INFORMATION SERVICES, LLC,

Defendants.

---

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the Complaint dated March 21, 2014, the accompanying memorandum of law, and upon all prior pleadings, orders and proceedings had herein, Defendant Fingerhut hereby moves this Court, before the Honorable William F. Kuntz II, United States District Judge, at the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201, for an order pursuant to Federal Rule of Civil Procedure 12(b)(6): (1) dismissing Counts 3 and 4 against Fingerhut with prejudice and (2) for the costs and disbursements of this motion and for such other and further relief as deemed just and proper by this Court.

Pursuant to the June 10, 2014 Order of the Court, Plaintiff shall serve his opposition to this motion, if any, on or before August 22, 2014. Defendant shall serve reply papers in further support of this motion by September 25, 2014.

Dated: July 25, 2014

/s/ Nathaniel I. Kolodny  
Nathaniel I. Kolodny, Esq.  
BALLARD SPAHR  
STILLMAN & FRIEDMAN LLP  
New York, NY 10022  
Telephone: (212) 223-0200

*Attorneys for Defendant Fingerhut*

TO: Frederick Schulman, Esq.  
Michael Barer, Esq.  
Lesa Pescal, Esq.  
FREDERICK SCHULMAN & ASSOCIATES  
30 East 29<sup>th</sup> Street  
New York, New York 10016  
Telephone: (212) 796-6053

*Attorneys for Plaintiff Samuel Rieder*